

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____ <div style="text-align: right; font-size: small;"> Env-Dw 717.20 intro, (n), and (s) [new]; Env-Dw 717.21; Env-Dw 1201.01 </div>																
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2. RSA Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">RSA 485:2, V; RSA 485:41, IX</td> </tr> <tr> <td>3. Federal Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">40 CFR 141 Subpart S</td> </tr> <tr> <td>4. Type of Action:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Adoption</td> <td style="border-bottom: 1px solid black; text-align: center;"></td> </tr> <tr> <td style="padding-left: 20px;">Amendment</td> <td style="border-bottom: 1px solid black; text-align: center;">X</td> </tr> <tr> <td style="padding-left: 20px;">Repeal</td> <td style="border-bottom: 1px solid black; text-align: center;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption</td> <td style="border-bottom: 1px solid black; text-align: center;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption w/amendment</td> <td style="border-bottom: 1px solid black; text-align: center;">X</td> </tr> </table>	2. RSA Authority:	RSA 485:2, V; RSA 485:41, IX	3. Federal Authority:	40 CFR 141 Subpart S	4. Type of Action:		Adoption		Amendment	X	Repeal		Readoption		Readoption w/amendment	X
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5. Short Title: Amendments Relating to Proposed Env-Dw 720 Inspections; Significant Deficiencies																	

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-Dw 717, Groundwater Monitoring and Treatment, implements 40 CFR 141 Subpart S (§§400-405), the federal Ground Water Rule. The federal rule was promulgated by the U.S. Environmental Protection Agency under the Federal Safe Drinking Water Act; adoption of a state equivalent was required for New Hampshire to retain primacy for the public drinking water program. The proposed amendments to Env-Dw 717.20 and Env-Dw 717.21 would revise these rules to more clearly tie the rules to, and to be consistent with, rules in proposed Env-Dw 720 that address the same issues for all public water systems.

Env-Dw 1200 applies to Privately-Owned Redistribution Systems (PORS). An amendment is being proposed to Env-Dw 1210.01, Sanitary Field Inspections, to reflect that three sections of Env-Dw 720 (Env-Dw 720.07 through Env-720.09) do not apply to PORS.

6. (b) Brief description of the groups affected:

The proposed amendments will affect owner and operators of public water systems served by groundwater sources and privately owned distribution systems.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 717.20 intro, (n) & (s) [new]	RSA 485:1; RSA 485:3, I & VI	40 CFR 141.403; 40 CFR 141.405(a)
Env-Dw 717.21	RSA 485:3, I & VI;	40 CFR 141.202; 40 CFR 141.203 40 CFR 141.402(h); 40 CFR 141.404
Env-Dw 1210.01	RSA 485:1, II(a), (d), & (h); RSA 485:4, III; RSA 485:41, I & V	

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: James Tilley	Title: Program Planner I
Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #: 603-271-0657 Fax#: 603-271-0656 E-mail: james.tilley@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-

800-735-2964 or dial 711 (in NH)

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, June 17, 2010 at 4:00 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, June 7, 2010 at 9:00 a.m.**

Place: **Room 113, DES Offices, 29 Hazen Drive, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 10:051 , dated 04/30/10

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules will not result in costs to any political subdivision of the state, as any PWS owned by a political subdivision would incur the same costs whether or not the state adopted the proposed rules (due to the federal requirements). The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.